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REMARKS

Claims 1-36 are pending in this application, each of which was rejected under 35 U.S.C. §103(a) as being unpatentable over Acharya. Claim 1 was also rejected under §112 as being indefinite and non-compliant with the enablement requirement. Claim 1 is currently amended. Reconsideration and allowance are respectfully requested.

Claim 1 has been amended in the manner suggested by the Office to overcome the §112 rejections. Withdrawal of the rejections is therefore requested.

The only remaining issue is whether Acharya teaches “if the data path does not include forwarding information for the multicast data, broadcasting the multicast data from each port of the router that could possibly be associated with a destination of the multicast data; and subsequent to broadcasting the multicast data, determining via a control path which ports of the router are actually associated with a destination of the multicast data.” The Office cites numerous passages spanning columns 7 through 16 of Acharya as teaching the feature. However, the portions of the cited passages which actually discuss address resolution for incoming packets explicitly teach against the claimed invention. In particular, Acharya states at col. 7, lines 31-42, “since the VC picked by the Source Node is unknown to the first ATM switch, this first ATM switch will direct the connectionless IP packet received to the IP router it is connected to, for IP level processing (routed mode) ... while the packet is being processed by the IP router to determine its next hop, any successive ATM cells associated with that packet are stored in a buffer particular to that VC ... after the next hop is determined ... the stored cells are directed to an actual port.” (emphasis added) As discussed in the specification and the previous response, the delay in determining the next hop in combination with a relatively full

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buffer can result in those buffered packets being dropped. The presently claimed invention helps solve this problem by broadcasting those packets before determining the next hop. Each of the independent claims recite this distinguishing feature. Since Acharya teaches directly against the claimed technique, the rejection of claims 1-36 should be withdrawn, and such action is requested.

With regard to the novel feature discussed above, the Office Action further states at page 4 that the "Examiner notes that it would have been obvious to one of ordinary skill in the art at the time of the invention by Applicant to broadcast data to all possible destinations ... as broadcast is an obvious, well-known and effective means by which device discovery is performed." (emphasis added) This assertion is erroneous for several reasons. First, Applicant does not claim to use broadcast for discovery. Rather, Applicant uses broadcast to help assure that the packets themselves reach their intended destination. Second, the claimed technique helps solve a problem that has existed for some considerable time. As discussed in the specification at page 3, lines 6-8, the DVMRP, MOSPF and PIM-DM standards were developed without discovery of the claimed technique. If the claimed solution is obvious, why then did nobody conceive of it until the filing of this application? Finally, according to MPEP 706.02(j), to establish a *prima facie* case of obviousness, three basic criteria must be met: first, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings; second, there must be a reasonable expectation of success; and third, the prior art reference must teach or suggest all the claim limitations. Acharya simply fails to teach all of the claim limitations, as the Examiner appears to concede at page 4. Again, Applicant respectfully

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requests that the rejections of claims 1-36 under 35 U.S.C. §103(a) based on Acharya be withdrawn.

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone the undersigned, Applicants' Attorney at 978-264-4001 (X305) so that such issues may be resolved as expeditiously as possible.

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,

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Date

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